

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert MARTUZA et al.
Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS MEDIATES
DESTRUCTION OF NEOPLASTIC CELLS
Appl. No.: 10/788,410
Filing Date: 3/1/2004
Examiner: SHEN, Wu Cheng Winston
Art Unit: 1632
Confirmation Number: 4953

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated May 26, 2010, finally rejecting Claims 16, 18-20 and 28-32.

☒ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal)

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$540.00
<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$130.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$670.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$335.00
	TOTAL FEE:	\$335.00

The above-identified fees of \$335.00 are being paid by credit card via EFS-Web.

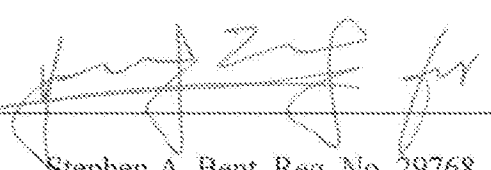
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date September 27, 2010

FOLEY & LARDNER LLP
 Customer Number: 22428
 Telephone: (202) 672-5404
 Facsimile: (202) 672-5399

By 

Stephen A. Bent, Reg. No. 29768
 By Yang Tang, Reg. No. 55663